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**Total # of Pages 10 (including this page)**

TO:	PHONE #:	FAX #:
Examiner Jeffrey Fredman U.S.P.T.O.	571-272-0742	703-872-9306

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MAR 09 2005

From : Joseph P. Meara
Email Address : jineara@foley.com
Sender's Direct Dial : 608.258.4303
Date : March 9, 2005
Client/Matter No : 026063-1402
User ID No : 2080

### MESSAGE:

Re: 09/699,030, filed October 26, 2000

Dear Examiner Fredman:

Attached please find copies of the OIPE stamped postcard, Supplemental Information Disclosure Statement (filed February 14, 2002), and the Information Disclosure Statement (filed February 26, 2001) for the above-referenced patent application.

If there are any problems with this transmission or if you have not received all of the pages, please call .

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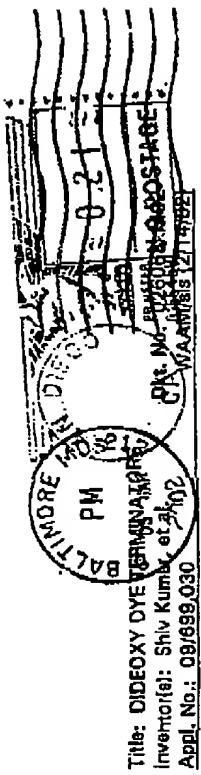
MAR-09-05 11:14AM FROM-Foley & Lardner LLP Madison

+

T-906 P.002/010 F-626



WESLEY B. AMES, ESQ.  
FOLEY & LARDNER  
P.O. BOX 80278  
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- Supplemental Information Disclosure Statement (1 pg.) and
- Form PTO-1449 (1 pgs.) and 2 References;

Commissioner for Patents:

Please acknowledge receipt of the above-identified documents by applying the U.S. Patent and Trademark Office receipt stamp hereto and mailing this card.

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Respectfully,  
Foley & Lardner

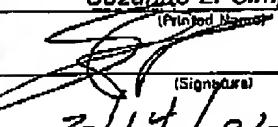
**MAR 11 2002**

**DE WAR**  
**FOLEY & LARDNER**

Atty. Dkt. No. 026063-1402

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Shiv Kumar, et al.  
 Title: DIDEOXY DYE TERMINATORS  
 Appl. No.: 09/699,030  
 Filing Date: 10/26/2000  
 Examiner: Jeffrey Fredman  
 Art Unit: 1655

<u>CERTIFICATE OF MAILING</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
<u>Suzanne L. Simpson</u> (Printed Name)	
	
(Signature)	
2/14/02 Date of Deposit	

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MAR 09 2005

Commissioner for Patents  
 Box 16S  
 Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

023.210820.1

Atty. Dkt. No. 026063-1402

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 14 February 2002

By Wesley B. Ames

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Wesley B. Ames  
Attorney for Applicant  
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Page 1 of 1

Form PTO-1449 (MODIFIED)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO.	SERIAL NO.
		026063-1402	09/699,030
INFORMATION DISCLOSURE CITATION		APPLICANT	Shiv Kumar, et al.
<i>(Use several sheets if necessary)</i>		FILING DATE	GROUP ART UNIT
		10/26/2000	1655

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO
A2	WO98/58942	12/30/98	PCT	CH7H 19	04		

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**


**EXAMINER** **DATE CONSIDERED**

- EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.

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Atty. Dkt. No. 030516.0029.CON1  
CON of 225/219

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

505 *Shiy Kumar*  
Applicant: Carl W. Fuller, et al.

Title: DIDEOXY DYE TERMINATORS  
Appl. No.: Unknown  
Filing Date: October 26, 2000  
Examiner: Unknown  
Art Unit: Unknown

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
Karin E. Harden	
(Printed Name)	
<i>Karin E. Harden</i>	
(Signature)	
February 26, 2001	
(Date of Deposit)	

**INFORMATION DISCLOSURE STATEMENT**

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Commissioner for Patents  
Washington, D.C. 20231

MAR 09 2005

Sir:

Pursuant to 37 C.F.R. §§ 1.97-98 and in accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant submits herewith a copy of Form PTO 1449 which was previously submitted to the U.S. Patent and Trademark Office in the parent U.S. Application Serial No. 09/018,695, filed March 26, 2000 and copies of Notices of References cited from said application and requests that they be considered and made of record in the above-identified application. Copies of patents and other publications cited therein were submitted in parent U.S. Application Serial No. 09/018,695 or were cited by the Examiner.

Applicant also submits the references listed on the attached new Form PTO-1449 to the Examiner such that they may be considered and made of record in the above-identified application. A copy of each reference is enclosed.

The items identified in this Information Disclosure Statement may or may not be "material" pursuant to 37 CFR § 1.56, and the submission thereof by Applicants shall not be construed as an admission that any such patent, publication or other information referred to herein is material or considered to be material (37 CFR § 1.97(h)), or even

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Atty. Dkt. No. 030516.0029.CON1  
CON of 225/219

qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicants as such.

The filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR § 1.56, exists.

No fee is believed due in connection with this transmittal. However, if any fee is due, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 26 February 2001

By Wesley B. Ames

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Attorney for Applicant  
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017.158593.1

<b>FORM PTO-1449</b>		<b>ATTY. D.</b>	<b>DET NO.</b>	<b>SERIAL NO.</b>
		225/219		09/018,695
<b>LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>		<b>APPLICANT:</b>		
(Use several sheets if necessary)		Shiv Kumar et al.		
		<b>FILING DATE:</b>	<b>GROUP:</b>	
		February 4, 1998	1635	

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	AA	5,187,085	2/16/93	Lee	435	91	9/28/90
	AB	5,242,796	9/7/93	Prober et al.	435	6	10/22/91
	AC	5,306,618	4/26/94	Prober et al.	435	6	1/16/92
	AD	5,332,666	7/26/94	Prober et al.	435	91.5	10/22/91
	AE	5,614,365	3/25/97	Tabor et al.	435	6	11/10/94

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLAT YES NO
	AF	91/05060	18.04.91	WO/PCT			

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)**

AG	Fuller, C. W. et al., "Variation in band intensities in DNA sequencing," <u>Comments</u> 16(3):1-8 (1989)
AH	Lee, L. G. et al., "DNA sequencing with dye-labeled terminators and T7 DNA polymerases: effect of dyes and dNTPs on incorporation of dye-terminators and probability analysis of termination fragments," <u>Nucl. Acids Res.</u> 20(10):2471-2483 (1992)
AI	Parker, L. T. et al., "AmpliTaq® DNA polymerase, FS dye-terminator sequencing: analysis of peak height patterns," <u>BioTechniques</u> 21(4):694-699 (1996)
AJ	Parker, L. T. et al., "Peak height variations in automated sequencing of PCR products using Taq dye-terminator chemistry," <u>BioTechniques</u> 19(1):116-121 (1995)
AK	Prober, J. M. et al., "A system for rapid DNA sequencing with fluorescent chain-terminating dideoxynucleotides," <u>Science</u> 238:336-341 (1987)
AL	Rosenblum, B. B. et al., "New dye-labeled terminators for improved DNA sequencing patterns," <u>Nucl. Acids Res.</u> 25(22):4500-4504 (1997)

EXAMINER: Examiner	DATE CONSIDERED:
EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant	

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Form PTO-1449 (MODIFIED)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 225/219	SERIAL NO. 09/018,695
<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>		APPLICANT	Carl W. Fuller, et al.	
		FILING DATE 02/04/1998	GROUP ART UNIT 1634	

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
		5,795,782	Aug. 18, 1998	Abramson, et al.			06/02/1995

**FOREIGN PATENT DOCUMENTS**

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

		P.B. Vander Horn, "Thermo Sequenase™ DNA Polymerase and <i>T. acidophilum</i> Pyrophosphatase: New Thermostable Enzymes for DNA Sequencing", BioTechnics, Vol. 22, No. 4 (1997) pgs. 758-765

EXAMINER	DATE CONSIDERED

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